

Jan-14-2000 11:38am From PILLSBURY ADISON

T-871 P.002/004 F-997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN re PATENT APPLICATION of

BRANSTROM et al.

Appln. No. 08/711,961

Group Art Unit: 1636

Filed: September 6, 1996

Examiner: J. Railey

Title: BACTERIAL DELIVERY SYSTEM

DECLARATION UNDER RULE 131

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231



Sir:

I, Donata Sizemore, do hereby declare and state:

1. I am an inventor on Patent Application No. 08/711,961, and I am familiar with the specification and prosecution history, including the Office Action issued July 19, 1999.

2. In the July 19, 1999 Office Action, the Examiner rejected pending claims 45-55 as being anticipated by U.S. Patent No. 5,877,159 issued to Powell et al. on March 2, 1999. The Examiner indicated that the Powell et al. patent has a priority date of May 3, 1995.

3. The invention described and claimed in Application No. 08/711,961 was made prior to May 3, 1995, as evidenced by the facts set forth on page 1 of the July 1995 invention disclosure submitted by myself and my coinventors to the United States Department of the Army, assignee of the invention, a copy of which is attached hereto.

4. The information set forth on the attached page is a

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true representation of the facts surrounding the invention to the best of my belief and knowledge.

5. I declare further that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent specification or any patent issuing thereon.

By Dinata M. Szymne

Date 1/14/00



Jan 14 2000 11:38am

From: PILLSBURY & SON

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UNITED STATES OF AMERICA

INVENTION DISCLOSURE JAN 19 2000

(THIS FORM AND ACCOMPANYING DRAWING AND DESCRIPTION SHEETS ARE TO BE COMPLETED FOR EACH INVENTION, PROMPTLY FORWARDED TO THE PATENT ACTIVITIES)

PATENT
ACTIVITIES
ASSIGNED TO:

SECRET NO.

SHORT TITLE OF INVENTION: *Delivery vehicle for DNA-mediated immunizations and for a potential vaccine candidate against Shigella flexneri infection.*

FULL NAME(S) OF INVENTOR(S) (FIRST) (MIDDLE INITIAL) (LAST)	HOME ADDRESS(E) (SUTY) TEL. NO. AREA CODE
Arthur A. Branstrom	309 Cedar Lane, Rockville MD 20851 (202)782-3013
Bonnie R. Stenzel	1000 Stearns Rd. #301, Gaithersburg MD 20878 (202)782-3013
Jerome C. Sacks	1622 Kalorama Rd. NW, Washington DC 20012 (610)277-4639

INFORMATION AND DATES CONCERNING THIS INVENTION	ON WHAT DATE DID YOU FIRST THINK OF THIS INVENTION? (WHAT RECORDS SHOW THIS?) (1) Printers for add deletion were designed and synthesized 08/12/93. GIVE DATE OF AND IDENTIFY EARLIEST SKETCH OR DRAWING (2) Freezer stock of constructed suicide vector for chromosomal mutagenesis of and made 01/19/94. The induced S. flexneri was made and officially documented 09/19/94. Laboratory Notebook 3A0520. WHERE AND TO WHOM DID YOU MAKE THE FIRST DISCLOSURE TO OTHERS OF THE INVENTION? EITHER ORAL OR IN WRITING? (3) June, 1993/Palo Alto. Orally and in writing (under confidentiality) to Dr. Nelson Teng. DESCRIBE DETAILS OF ANY WORK OR TESTS DONE TO PRODUCE OR OPERATE THE INVENTION GIVE DATES AND WITNESSES (USE OTHER PAGES IF NECESSARY) (4) See attached documentation for item 14A (Drawing and Description Sheet) DESCRIBE AND GIVE DATES OF ANY OTHER SKETCHES, DRAWINGS OR REPORTS PERTINENT TO THIS INVENTION (5) June 1993, at Palo Alto, discussed in confidence with Dr. Nelson Teng.
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USE, SALE OR PUBLICATION	IF INVENTION HAS BEEN SOLD OR USED FOR PROFIT. WHEN AND TO WHO DISCLOSED OR WHEN AND HOW USED? (6) N/A WAS A DESCRIPTION OF THIS INVENTION MADE AVAILABLE TO PERSONS OUTSIDE THE ARMY? (WRITTEN OR ORAL)? IF SO, HOW AND WHEN AND WAS USE RESTRICTED? (7) Yes: Submitted for review for publication on June 7, 1995. Access made available to Dr. David Hone for purpose of collaboration.
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POTENTIAL MARKET INFORMATION	DESCRIBE ANY POTENTIAL OR EXISTING MARKET FOR SALE OR LICENCE OF THIS INVENTION (8) A. GOVERNMENT: See attached for item #11 A and B. B. COMMERCIAL. C. IDENTIFY ANY OTHER FIRMS OR VENDORS WHO MAY BE INTERESTED IN THE INVENTION
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CONTRACT INFORMATION	IF THIS INVENTION WAS FIRST CONCEIVED OR CONSTRUCTED IN CONNECTION WITH: (9) A. MY DUTIES AS A GOVERNMENT EMPLOYEE B. MY WORK UNRELATED TO MY DUTIES AS A GOVERNMENT EMPLOYEE (PRIVATE, OFF DUTY ACTIVITIES) C. MY DUTIES AS A GOVERNMENT EMPLOYEE & WORKING WITH A CONTRACTOR D. NEITHER A, B OR C, EXPLAIN Invention conceived outside of job description guidelines, but following the mission goal of vaccine development.
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FOREIGN FILING CONSIDERATION	INDICATE THE POTENTIAL FOR USING THIS INVENTION IN FOREIGN COUNTRIES (10) □ POOR □ GOOD ☒ EXCELLENT
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SECURITY CLASSIFICATION	PLEASE INDICATE THE SECURITY CLASSIFICATION IF KNOWN (11A) □ CLASSIFIED LEVEL □ UNCLASSIFIED □ CLASSIFICATION UNKNOWN
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